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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,143	02/27/2004	Jeffrey A. Tilton	25363A	9278

22889

7590

01/05/2010

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GRANVILLE, OH 43023

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 01/05/2010

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/789,143	<b>Applicant(s)</b> TILTON ET AL.	
	<b>Examiner</b> Andrew T. Piziali	<b>Art Unit</b> 1794	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

The Appeal Brief filed on 20 November 2009 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.  
**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Andrew T Piziali/  
Primary Examiner, Art Unit 1794

Continuation of 10. Other (including any explanation in support of the above items):

The withdrawal of the appeal as to claims 6-8,16-18 and 23 (see appeal brief Status of Claims section and the Argument section) operates as an authorization to cancel these claims from the application. See MPEP § 1215.03. Accordingly, these claims are canceled. Thus, the brief does not contain a proper statement of the status of all claims because it fails to list claims 6-8, 16-18 and 23 as canceled and the brief does not contain a correct copy of the appealed claims because claims 6-8, 16-18 and 23 are canceled.

The appeal brief Grounds of Rejection section and Argument section each fail to include reference to each remaining ground of rejection because each of said sections fail to address all of the current grounds of rejection. Specifically, said sections fail to address the grounds of rejection listed in numbered paragraphs 14 and 17 of the Final rejection mailed 4/21/2008. More specifically, said appeal brief sections fail to address the following grounds of rejection: claims 9 and 10 are rejected under 103(a) over Welch in view of Oleszczuk or Lickfield and claims 9, 10, 19, 20 and 24 are rejected under 103(a) over Welch in view of Holm, Cederblad, or D'Acchioli and further in view of Oleszczuk or Lickfield.